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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,595	10/05/2000	Paul Haeberli	11087-017001	2363

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Tran & Associates  
3103 Glen Alto Court  
San Jose, CA 95148

EXAMINER

YANG, RYAN R

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 04/09/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

2

## Office Action Summary

**Application No.**

09/684,595

**Applicant(s)**

HAEBERLI, PAUL

**Examiner**

Ryan R Yang

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Response, filed on 2/6/03.  
This action is non-final.
2. Claims 1-21 are pending in this application. Claims 1, 12, 16 and 17 are independent claims. This action is non-final.
3. The present title of the invention is "Previewing a framed image print" as filed originally.

### ***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-9, 11-15, 17-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Oles (6,047,130).

As per claim 1, Oles discloses a method of generating a frame prototype image showing a picture image framed within a frame, the method comprising:

providing a frame image showing the frame in a perspective view, the frame image having a picture portion corresponding to the portion of the frame used to view a picture mounted in the frame (Figure 4 26); and

mapping the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 3 24 to Figure 4 24).

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6. As per claim 2, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses identifying a picture portion of the frame image (Figure 3 24).

7. As per claim 3, Oles demonstrated all the elements as applied to the rejected dependent claim 2, supra, and further discloses identifying the picture portion of the frame image includes providing a mat identifying the picture portion of the frame image (Figure 3 24).

8. As per claim 4, Oles demonstrated all the elements as applied to the rejected dependent claim 3, supra, and further discloses the mat includes a plurality of pixels, each pixel having a pixel value (since the display device is a computer display, it is inherent that the image is represented by a plurality of pixels).

9. As per claim 5, Oles demonstrated all the elements as applied to the rejected dependent claim 4, supra, and further discloses wherein identifying the picture portion of the frame image includes setting each pixel in the mat that corresponds to the picture portion of the frame image to a first pixel value (since pixels values are used to represent a picture, the pixels are at certain values at any time).

10. As per claim 6, Oles demonstrated all the elements as applied to the rejected dependent claim 2, supra, and further discloses wherein identifying the picture portion of the frame image includes identifying the outer perimeter of the picture portion of the frame image (Figure 2 when a picture is selected, its picture and frame are identified).

11. As per claim 7, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses wherein the picture portion of the

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frame image has a quadrilateral shape and the method further includes identifying the picture portion of the frame image including identifying the four corners of the picture portion (Figure 2 shows the picture is quadrilateral shape and since the picture is movable, its four corners are identified).

12. As per claim 8, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses displaying the frame prototype image (Figure 4 26).

13. As per claim 9, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses wherein mapping the picture image to the picture portion of the frame image includes texture mapping the picture image to the picture portion of the frame image (Figure 4 26 to Figure 5 26).

14. As per claim 11, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses the frame image is captured using a digital camera (Figure 1 50 the CCD connected to 54 the computer).

15. As per claim 12, Oles discloses a computer program product tangibly embodied in a computer-readable medium, for generating a frame prototype image showing a picture image framed within a frame, comprising instructions operable to cause a computer to:

receive the picture image (Figure 1 50 to 54);

store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image (Figure 4 26; since Figure 1 54 is a computer, it can store image); and

map the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 4 26 to Figure 5 26).

16. As per claim 13, Oles demonstrated all the elements as applied to the rejected independent claim 12, supra, and further discloses instructions operable to cause the computer to generate the map (Figure 4 26 to Figure 5 26; since Figure 1 54 is a computer, it can contain instructions to generate the map).

17. As per claim 14, Oles demonstrated all the elements as applied to the rejected dependent claim 13, supra, and further discloses instructions operable to cause the computer to generate the map by identifying the picture portion of the frame image (Figure 4 24).

18. As per claim 15, Oles demonstrated all the elements as applied to the rejected dependent claim 12, supra, and further discloses instructions operable to cause the computer to identify the picture portion of the frame image by identifying the outer perimeter of the picture portion of the frame image (Figure 2 when a picture is selected, its picture and frame are identified).

19. As per claim 17, Oles discloses a method of generating a visual representation of an image based product, the method comprising:

providing an image to be included in the image based product (Figure 4);

providing a perspective image showing the image based product in a perspective view, the perspective image having a picture portion corresponding to the portion of the image based product used to view a picture mounted on the image based product (Figure 4 26 to Figure 5 26); and

mapping the image to the picture portion of the perspective image in order to generate the perspective prototype image (Figure 4 24 to Figure 5 24).

20. As per claim 18, Oles demonstrated all the elements as applied to the rejected independent claim 17, supra, and further discloses the image based product is a framed picture (Figure 4 24).

21. As per claim 19, Oles demonstrated all the elements as applied to the rejected independent claim 17, supra, and further discloses the image based product is a Photocard (since the image is a photo image).

22. As per claim 21, Oles demonstrated all the elements as applied to the rejected dependent claim 20, supra, and further discloses the method includes displaying the perspective image in an environment that provides a context for viewing the image based product (Figure 4).

### ***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles (6,047,130) in view of Kurashige (5,282,262).

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As per claim 10, Oles demonstrated all the elements as applied to the rejected independent claim 1, *supra*.

Oles discloses a system of generating a frame prototype image. It is noted that Oles does not explicitly disclose "mapping the picture image to the picture portion of the frame image includes mapping the picture image to the picture portion of the frame image using the illumination of the picture portion of the frame image", however, this is known in the art as taught by Kurashige. Kurashige discloses a method of transforming a two-dimensional image by illumination on a three-surface (Figure 4A-4B).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kurashige into Oles because Oles discloses a system of generating a frame prototype image and Kurashige discloses mapping an image into an illuminated region in order to make the image more realistic.

25. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oberg (5,870,771) in view of Oles (6,047,130).

As per claim 16, Oberg discloses a system for generating a frame prototype image showing a picture image framed within a frame, the system comprising:

a client computer in communication with a computer network (Figure 3 70);

a server, in communication with a computer network, having server software embodied in a computer-readable medium, the server software comprising instructions operable to cause the server to:

receive the picture image from the client computer (Figure 3 72);



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wherein the client computer includes client software embodied in a computer readable medium, the client software comprising instructions operable to cause the client computer to upload the picture image to the server ("a customer can input a digital image of an object to be framed to the system through a digital camera 32", column 5, line 64-66. Thus, it is inherent that the digital camera has the desired software to upload the picture image to the server).

Oberg discloses a system of generating a frame prototype image. It is noted that Oberg does not explicitly disclose "store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image; and map the picture image to the picture portion of the frame image in order to generate the frame prototype image", however, this is known in the art as taught by Oles. Oles discloses a computer to generating a portrait photograph in which a frame and the picture in it are transformed into perspective view (Figure 4 24 and 26 to Figure 5 24 and 26).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oles into Oberg because Oberg discloses a system of generating a frame prototype image and Oles discloses a method of putting the picture in perspective in order to visually determine the appropriate size of a portrait photograph (column 2, line 4)

26. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Oberg.

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Oles discloses a computer to generating a frame prototype image in perspective. It is noted that Oles does not explicitly disclose the image based product is a photo greeting card, however, this is known in the art as taught by Oberg. Oberg discloses a system to generating a portrait photograph which is a photo greeting card.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a system of generating an image in perspective and Oberg discloses the image can be made into a portrait photograph in order to make immediate use (column 2, line 4).

### ***Response to Arguments***

27. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### ***Inquiries***

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29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

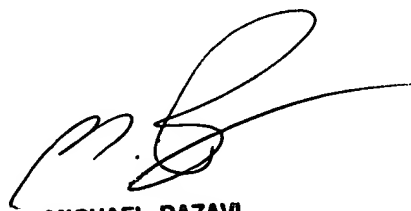
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-47000377.

Ryan Yang  
March 27, 2003



**MICHAEL RAZAVI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**